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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,666	07/28/2004	Jui-Chiang Lin	LITP0013USA	4665
27765	7590	10/16/2006	EXAMINER MILLER, BRIAN E	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			ART UNIT 2627	PAPER NUMBER

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/710,666	LIN, JUI-CHIANG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian E. Miller	2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

Claims 1-18 are pending.

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the (a) “an alarm for generating a warning signal,” as recited in claims 8-9, 17-18, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: (a) para [0008] the phrase “will slips and rotates” should be changed to “will slip and rotate” for clarity; (b) para [0013] the two instances of “OLE\_LINK1” is incomprehensible and should be amended accordingly; (c) para [0024], “a small disc 24 in inserted” should be changed to read “a small disc 24 is inserted”. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoyagi et al (US 4,995,027). (As per claim 1) Aoyagi et al discloses an optical disc drive, e.g., CD player, with a disc-position sensing device, shown mainly in FIGs. 1 & 7-9, the optical disc drive comprising: a disc slot 2 for a disc 3 to be inserted into; a roller 4a, 4b for conveying the disc inserted into the disc slot 2; and the disc-position sensing device comprising a plurality of sensing modules 14a, 14b installed inside the disc slot for sensing a position where the disc is inserted into the disc slot; wherein the roller 4a, 4b conveys the disc when all of the sensing modules have sensed the disc (see col. 7, lines 33-42); (as per claim 2) wherein the disc-position sensing device comprises two sensing modules 14a, 14b, as described above; (as per claim 3) wherein either of the sensing modules comprises a light source for emitting light and a light

sensor for sensing the light emitted from the light source, e.g., photosensor (see col. 3, lines 2-3), and the roller conveys the disc when both of the light sensors do not sense the light from their corresponding light sources, as is the well known operation of such sensor types via controller 6; (as per claim 4 wherein the sensing modules 14a, 14b are installed to have a distance ("I" in Fig. 9) between them corresponding to a size of the disc, so that either of the sensing modules cannot sense the disc unless the disc is inserted into a middle region of the disc slot, e.g., as simultaneous detection is necessary for insertion; (as per claim 5) wherein one of the sensing modules is installed on one side of the center of the disc slot, and the other one of the sensing modules is installed on the other side of the center of the disc slot (as shown in FIG. 9); (as per claim 6) wherein the disc slot comprises a middle "region", and both of the sensing modules are installed adjacent to the middle region of the disc slot, also considered to be depicted in Fig. 9, in so far as this "region" has been defined; (as per claim 7) wherein the roller 4a, 4b rejects the disc when at least one of the sensing modules has sensed the disc and at least another one of the sensing modules does not sense the disc (see col. 8, lines 14-26).

While claims 10-16 are directed to a method, they include similar limitations as claims 1-7 and are thus considered to be encompassed by the structure of Aoyagi et al as described above.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8-9, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoyagi et al. For a description of Aoyagi et al, see the rejection, supra. While expressly silent as to having an “alarm” to indicate a non-sensing of both sensors, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided such to the optical apparatus of Aoyagi et al. The motivation would have been: lacking any unobvious or unexpected results, providing a visual or audio alarm, would have notified the consumer that an error occurred, which notification would have been readily provided for by a skilled artisan. Proper installation of that disc/another disc would then be possible without any waste of time. It is noted that, regarding the type of alarm being an LED, such type indicators were notoriously old and well known and would have readily been provided.

The method claims 17-18, include similar features as claims 8-9, and are considered to be encompassed by the structure as discussed above.

### ***Conclusion***


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure including US Patents to Abe et al (5,828,641) and Takai et al (5,150,349) which are cited to show disc sensing means similar to the claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (571) 272-7578. The examiner can normally be reached on M-TH 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**Brian E. Miller**  
**Primary Examiner**  
**Art Unit 2627**

BEM  
October 10, 2006